

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION

IN RE: MICHAEL A. DONOVAN  
JUDIE A. DONOVAN } CASE NO. 10-80415-JAC-13  
}   
} CHAPTER 13  
SSN: XXX-XX-2310, XXX-XX-2847 }

**TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN**

COMES NOW, Philip A. Geddes, the Chapter 13 Trustee in the above styled case, and moves this Court to modify Debtors' plan confirmed on June 30, 2010, and as grounds therefore, the Trustee would show unto the court as follows:

1. The Debtors' Chapter 13 plan presently calls for payments of \$2,075.00 monthly to the Chapter 13 Trustee.
2. The Debtor is in material default with respect to the terms of the Chapter 13 Plan. The Debtor is delinquent in plan payments due for the months of July, 2010 through September, 2010. The total delinquency is \$5,065.00.
3. In order for the plan to complete as confirmed, the Trustee proposes to increase the Chapter 13 Plan payments to \$2,316.00 per month, beginning November 1, 2010 for remaining 52 months of the plan to cure the default.

WHEREFORE, the Trustee moves for an order modifying the plan pursuant to 11 U.S.C. Section 1329 and Rule 3015(g) to increase the Chapter 13 Plan payments to \$2,316.00 per month, beginning November 1, 2010 for the remaining 52 months of the plan to cure the default with a six month probationary period beginning November 2010 wherein if plan payments are not made within the month in which they are due, the Trustee may obtain an order of dismissal without further notice. Other provisions: All other provisions to remain the same.

RESPECTFULLY SUBMITTED, this the 18th day of October, 2010.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE CHAPTER 13 STANDING TRUSTEE WITHIN TWENTY-ONE (21) DAYS FROM DATE OF SERVICE HEREOF. ANY OBJECTIONS FILED WILL BE HEARD BY THE COURT ON THE 15TH DAY OF NOVEMBER, 2010, AT 09:00 A.M. IN THE BANKRUPTCY COURTROOM, FEDERAL BUILDING, CAIN ST ENTRANCE, 3<sup>RD</sup> FLOOR, DECATUR, ALABAMA 35601. THIS MOTION WILL BE GRANTED UNLESS AN OBJECTION IS FILED WITHIN TWENTY-ONE (21) DAYS.

/S/ PHILIP A. GEDDES  
PHILIP A GEDDES, STANDING  
TRUSTEE  
P O BOX 2388  
DECATUR, AL 35602-2388  
(256-350-0442)

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the above Motion upon the Attorney for the Debtor and the Debtor, by mailing a copy of the same with adequate postage thereon or by electronic means when available:

Michael A. Donovan  
Judie A. Donovan  
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Hazel Green, AL 35750

Bond, Botes, Sykstus, Tanner & Ezzell  
Attorneys at Law  
415 Church St. Ste 100  
Huntsville, AL 35801

This the 18th day of October, 2010.

/S/ Philip A. Geddes  
PHILIP A. GEDDES,  
STANDING TRUSTEE